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PATENT
Attorney Docket 054160-5060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tsuneji Suzuki <i>et al.</i>)	Confirmation No. 7720
)	
Application No. 10/049,666)	Group Art Unit: 1615
)	
Filed: February 15, 2002)	Examiner: Gollamudi S. Kishore
)	
For: Pharmaceutical Agent Comprising a)	<u>Date: February 2, 2007</u>
Benzamide Derivative as Active Agent)	

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Appeal Brief – Patents
Randolph Building
401 Dulany Street
Alexandria, VA 22314


TRANSMITTAL FORM

1. Further to the Notice of Appeal filed on August 2, 2006 and the Amendment Under 37 C.F.R. 1.116 filed on December 4, 2006, transmitted herewith is Appellants' Brief Under 37 C.F.R. 41.37.
2. Additional Papers Submitted:
(i) Declaration Under 37 C.F.R. 1.132 by Masahiro Sakabe
3. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants petition for an additional two-month extension of time further extending the period for response from December 2, 2006 to February 2, 2007, the fee for which is **\$1,140.00** as set out in 37 C.F.R. 1.17(a). If Applicants have inadvertently overlooked the need for an additional extension of time, please consider this a Petition therefore. The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.
4. Fee Payment: The Commissioner is hereby authorized to charge **\$1,640.00** to Deposit Account No. 50-0310 for payment of the fee for filing a brief in support of an appeal (\$500.00) and the additional two-month extension of time fee (\$1,140.00).
5. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment

to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **February 2, 2007**
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Respectfully submitted,
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